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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/646,427	
	Filing Date	21 August 2003	
	First Named Inventor	Johnson, Donald Ole	
	Art Unit	3634	
	Examiner Name	Thompson, Hugh B.	
Total Number of Pages in This Submission	7	Attorney Docket Number	TLR-5231 US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration in Support of Petition (3p), Return Post Card (1p)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Tipton L. Randall		
Signature			
Printed name	Tipton L. Randall		
Date	30 November 2007	Reg. No.	32,626

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Tipton L. Randall	Date	30 November 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UTILITY P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johnson, Donald O.	FIRST CLASS MAILING CERTIFICATE
Serial No.: 10/646,427	I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail under 37 C.F.R. § 1.8 in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on
Filed: 21 August 2003	<u>30 November 2007</u> (Date)
Title: EMERGENCY LADDER SYSTEM AND METHOD OF USE	<u>Tipton L. Randall</u> (Print Name)
Art Unit: 3634	<u>Tipton L. Randall</u> (Signature)
Examiner: Thompson, Hugh B.	
Agent Ref: TLR-5231 US	

RENEWED PETITION FOR REVIVAL OF AN ABANDONED APPLICATION (UNINTENTIONAL) UNDER 37 C.F.R. 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Decision on Petition that was mailed October 4, 2007, to which a request for reconsideration of the decision must be submitted by December 4, 2007. Applicant hereby requests renewal and reconsideration of the petition to the Commissioner under 37 C.F.R. 1.137(b) to accept the delayed Amendment and Response to an Office Action for the above-identified application.

The Decision on Petition dismissed the filed petition for revival of the above-identified application because the petition did not include item (3), "a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 (b) was unintentional." Submitted here with is a Declaration by inventor Donald O. Johnson as to the delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Applicant respectfully requests that his petition receives reconsideration and be granted in view of the supporting Declaration, and that the late Amendment and Response, in reply to the Office Action mailed 7 July 2004, be accepted.

Enclosed are: (1) a Cover Letter entitled "Renewed Petition Under 37 CFR 1.137 (b); (2) a Declaration of Donald O. Johnson in Support of Petition; (3) a Transmittal Form; and (4) a Return Post Card.

Respectfully submitted,

Date 30 November 2007

By Tipton L. Randall

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TLR

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Johnson, Donald O.

Application No.: 10/646,427

Filing Date: 21 August 2003

Title: Emergency Ladder System and Method of Use

Group Art Unit/Examiner: Thompson, Hugh B.

Attorney Docket No.: TLR-5231 US

DECLARATION OF DONALD O. JOHNSON IN SUPPORT OF PETITION

I, Donald O. Johnson, declare as follows:

1. I am over eighteen years old, and reside at E5034 429th Avenue, Menomonie, WI, 54751, and make this declaration based on my personal knowledge.
2. I make this declaration in support of the Petition for Revival of an Abandoned Application (Unintentional) Under 37 C.F.R. 1.137(b) for the above-referenced application.
3. As to time period (1), the delay in reply that originally resulted in the abandonment, that time period being from July 7, 2004, to November 16, 2004, I attempted to make a suitable response to a First Office Action by amending the rejected claims. The Examiner indicated that the amendment was non-compliant and provided only thirty (30) days to file a compliant amendment. I then spoke with several individuals at the Patent Office and with the Examiner as to the requirements for a compliant amendment. Due to my inexperience in these matters,

I did not understand what was required for a compliant amendment response. In addition, I had been out of work for six (6) months during time period (1) and did not have the finances to contact either a patent attorney or an agent to represent me on this matter. Thus, I had no intention to abandon the patent application during this time period. My financial situation forced me to abandon the application, despite my intention to prevent abandonment.

4. As to time period (2), the delay in filing an initial petition pursuant to 37 CFR 1.137 (b) to revive the application, that time period being from November 17, 2004, to March 27, 2007, I continued to experience financial difficulties for the next two years and had no money to retain either a patent attorney or an agent to represent me on this matter. Again, I had no intention of abandoning the patent application during this time period. My financial situation prevented me from attempting to revive the application, despite my intention to revive the application. My financial situation finally improved sufficiently to retain an agent to represent me in this matter. I contacted patent agent Tipton L. Randall, Reg. No. 32,626, in late December 2007 and requested that he revive the abandoned patent application. Due to health problems, agent Randall was not able to prepare and file an initial petition pursuant to 37 CFR 1.137 (b) to revive the application until March 27, 2007. Thus, I had no intention to abandon the patent application during this time period. My financial situation forced me to delay revival of the application, despite my intention to do otherwise.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Donald O. Johnson

Date: 11/18/07

Name: Donald O. Johnson